PROB 12B
(NYEP-5/17/06)

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United States District Court

for the

Southern District of New York

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Joshua Young Case Number: 04-CR-633

Name of Sentencing Judicial Officer: Honorable Denny Chin, U.S. District Judge

Date of Original Sentence: November 10, 2005

Original Offense: Conspiracy to Commit Bank Fraud, 18 U.S.C. 1349, a class B felony

Original Sentence: One month imprisonment, three years supervised release, five months community corrections center, 60 days home confinement, search/seizure, full financial disclosure, no new credit or additional lines of credit, participate in an alcohol aftercare treatment program, $100 special assessment fee and $234,559.87 restitution

Type of Supervision: Supervised Release Date Supervision Commenced: August 16, 2006

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PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

The defendant's term of supervised release will be extended for a period of one (1) year with a new termination date of February 17, 2010. All previously imposed special conditions will remain in effect.

CAUSE

On February 5, 2009, the U.S. Probation Department conducted a search of the offender's residence based upon information received from a confidential source. By way of background, the offender was posting on his Myspace internet profile, pictures of various firearms, many of which depicted him physically in possession of them. The investigation into these photos could not produce dates and/or times for which they were posted or uploaded to the site. This conduct was known to the U.S. Probation Department and was corroborated by a confidential source who was able to provide detailed information relative to the description of a firearm, and the possession of body armor in the offender's residence. The search yielded several "BB" guns, a machete and "Point Blank" body armor but no firearm was recovered.

In consultation with Assistant U.S. Attorney Dan Levy, it was determined that the offender could not be charged with the possession of body armor, however, possession of the machete could be classified as "possession of a dangerous instrument" in violation of the standard condition of supervision. The offender stated that he possessed the machete as a tool for his employment as a chimney sweep.

On October 28, 2008, the Court modified the offender's conditions of supervision to include a period of 60 days home confinement in response to a local criminal arrest which remains pending. Based upon this prior violative conduct and the discovery of the possession of the machete, the U.S. Probation Department asked the offender to sign a Probation Form 49 (modification of conditions of release) for a one (1) year extension of his supervised release. The offender concurred and signed the form agreeing to the modification. The rationale for this extension is to allow the U.S. Probation Department and the Court to have additional time to monitor the offender's activities in the community, continue to enforce the restitution and give the offender an opportunity to correct this violative conduct.

At this time, we respectfully request that the Court be notified of the above conduct and the modification of conditions to include a one (1) year extension of the offender's term of supervised release. If any further significant information develops, we will promptly notify the Court with appropriate recommendations.

Respectfully submitted by,

P. M.

Peter A. Merrigan
Supervising U.S. Probation Officer
Date: 2/16/09

Request for Modifying the
Conditions or Terms of Supervision
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE

Judicial Response

[X] Court approves the Modification of Conditions as noted.

or

[ ] Other

Signature of Judicial Officer

2/17/09

Date

PROB 49
(NYEP-8/1/07)

United States District Court

SOUTHERN DISTRICT OF NEW YORK

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and the assistance of counsel before any unfavorable change(s) may be made in my conditions of Probation and/or Supervised Release or before my period of supervision can be extended. By assistance of counsel, " I understand that I have the right to be represented at a hearing by counsel of my choosing if I am able to retain counsel. I also understand that I have the right to request that the Court appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel. "

I hereby voluntarily waive my statutory right to a hearing and to the assistance of counsel. I also hereby agree to the following modification (s) of my conditions of Probation and/or Supervised Release or to the proposed extension of my term of supervision:

The defendant's term of supervised release will be extended for a period of one (1) year with a new termination date of February 17, 2010. All previously imposed special conditions will remain in effect.

Witness: _____
U.S. Probation Officer

Signed: _____
Probationer or Supervised Releasee

2/13/09
Date